

UNITED STATES DISTRICT COURT  
DISTRICT OF MASSACHUSETTS

EQUAL EMPLOYMENT OPPORTUNITY )		
COMMISSION, )		
	)	
Plaintiff, )		
	)	
JOE WILLIS, GODWIN ENAGBARE, )		Civil Action No. 04-12097 GAO
JOHN BALDWIN, )		
JOHANNES KAINDOH, )		
WAYNE HENDERSON, AND )		
LEONARD BELL, )		
	)	
Plaintiff-Intervenors, )		
	)	
v. )		
	)	
WASHINGTON GROUP )		<u>CONSENT DECREE</u>
INTERNATIONAL, INC. )		
	)	
Defendants )		
_____ )		

This cause of action was initiated on September 30, 2004, by the United States Equal Employment Opportunity Commission (hereinafter "EEOC"), an agency of the United States Government, alleging that Defendant, Washington Group International, Inc. (hereinafter "WGI") violated Title VII of the Civil Rights act of 1964, as amended, and Title I of the Civil Rights Act of 1991. In its Complaint, EEOC alleges WGI engaged in unlawful racial discrimination by: (1) creating and failing to remedy a hostile work environment on the basis of race, and (2) terminating Charging Parties on the basis of their race, Black/African American, and for engaging in protected activities. The discrimination alleged by the EEOC is alleged to have taken place during the time when WGI's Power Unit was operating as the general contractor of the Sithe Mystic Power Plant in Everett, Massachusetts. Plaintiff-Intervenors, John Baldwin,

Leonard Bell, Wayne Henderson, and Johannes Kaindoh jointly filed an Intervenor Complaint on January 19, 2005, and Plaintiff-Intervenors Godwin Enagbare and Joe Willis also jointly filed an Intervenor Complaint on February 14, 2005. (Hereafter jointly referred to as “Plaintiff Intervenors”).

The EEOC, Plaintiff-Intervenors, and WGI desire to settle this action, and therefore do hereby stipulate and consent to the entry of this Decree as final and binding between WGI, Intervenor-Plaintiffs, and the EEOC (hereinafter “the Parties”), who are the signatories hereto, and their successors or assigns. The Parties have agreed that this Decree may be entered into without Findings of Fact and Conclusions of Law having been made and entered by the Court.

In consideration of the mutual promises of each party to this Decree, the sufficiency of which is hereby acknowledged, the parties agree as follows, the Court finds appropriate, and it is therefore ORDERED, ADJUDGED, AND DECREED that:

1. This Decree resolves all issues raised by the EEOC Charge Numbers: 16C-2002-03376 and 523-2006-0062 (Baldwin); 16C-2002-03022 (Bell); 161-2002-00472 (Enagbare); 16C-2003-00095 (Henderson); 16C-2002-03385 (Kaindoh), and 161-2002-00467 (Willis), and allegations raised in the EEOC Complaint. This Decree also specifically resolves the claims raised in the EEOC Complaint asserted on behalf of all identified similarly situated individuals. This Decree also resolves all claims presented in the Intervenor Complaints filed by John Baldwin, Leonard Bell, Johannes Kaindoh, Godwin Enagbare, Wayne Henderson, and Joe Willis.

2. The Parties agree and the Court finds that this Court has jurisdiction of the subject matter of this action and over the Parties, that venue is proper, and that all administrative

prerequisites have been met by the EEOC and the Plaintiff-Intervenors. No party shall contest the validity of this Decree and its terms. The Parties agree and understand that this Decree in no way affects the EEOC's right to process any pending or future charges that may be filed against WGI and to commence civil actions on any charges not referenced above.

3. This Decree is being issued with the consent of the Parties without admission of liability and does not constitute an adjudication or finding by this Court on the merits of the allegations of the Complaint.

4. WGI's Power Unit and its managers, officers, agents, successors, and assigns shall not discriminate against any Black/African American employee or applicant because of the individual's race, engage in racial harassment toward any Black/African American employee, or engage in related retaliation against any Black/African American individual for asserting his or her rights under Title VII. WGI's Power Unit and its agents shall not take any retaliatory action against any individual for participating in this matter in any way, giving testimony in this matter or asserting his or her rights under Title VII, including, but not limited to, Charging Parties, claimants or other witnesses in this case.

**A. MONETARY RELIEF**

5. WGI shall pay a total of \$1,500,000.00 as monetary relief to Charging Parties and claimants. WGI shall pay the allocated amounts to the individuals listed in Exhibit B within fourteen (14) days of the entry of this Decree but only after WGI's receipt of an executed release as set forth in Exhibit A from each identified similarly situated individual. Payments to the Plaintiff-Intervenors shall also be paid within fourteen (14) days but only after the receipt of separate releases signed by Plaintiff-Intervenors, which are not part of this agreement and to

which the EEOC is not a party. To the extent that the monetary relief received by any individual includes both payments in the nature of back-pay and compensatory damages, WGI will provide a W-2 for back-pay payments and be responsible for deducting all applicable withholdings. As to payments for compensatory damages, WGI is not required to withhold taxes or make any employer contributions for FICA, except that it must issue IRS form 1099s for these payments.

6. Payment shall be made by delivering to the individuals listed in Exhibit B, by United States Postal Service, certified mail receipt, a check in the complete amount of compensatory damages set forth in Exhibit B with the required 1099. A second check for back pay subject to all applicable withholdings and a W-2 form will also be sent to those individuals listed in Exhibit B, if applicable. This payment shall be subject to all applicable federal, state, and/or local withholding and/or payroll taxes and WGI will generate and issue W-2s for the relevant fiscal year.

7. WGI shall send copies of the checks, the 1099 and W-2 forms, and return receipts to EEOC simultaneously with WGI's delivery to those individuals listed in Exhibit B. All submissions to the "EEOC" herein shall be directed to: R. Liliana Palacios-Baldwin, Senior Trial Attorney, JFK Federal Building, Room 475, Boston, MA 02203-0506.

B. NOTICE AND POSTING

8. No later than thirty (30) days after the Court's entry of this Decree, WGI shall post visibly on the employee bulletin board of each construction site of its Power Unit, a copy of the notice attached as Exhibit C printed on its letterhead and signed by WGI President.

C. EEO POLICIES, PROCEDURES AND RELATED EMPLOYEE TRAINING

9. With EEOC's review and approval WGI has, as part of this Decree, revised its EEO policies, procedures and protocols, including its complaint investigation and remediation procedures within the Power Unit. The revised policies shall include the name and contact information of the required EEO representatives as set forth in more detail in paragraph 15, below. It shall disseminate these revised EEO policies and its new graffiti policy (as defined in paragraph 12 below) to Power Unit employees by including the revised policies in an e-mail to all non-craft Power Unit employees, and to all Power Unit craft employees as a check-stuffer, no later than three (3) months from the entry of this Decree. WGI shall also include the revised policies in all relevant manuals (employee, management or other) within three (3) months of the entry of this Decree. These revised policies are attached as Exhibit D.

10. WGI has established an e-mail address for Power Unit employees to lodge complaints of discrimination with its EEO Officer (D. Michael McDaniel, at the time of the execution of this Decree), directly. This e-mail address is: [eeo@wgint.com](mailto:eeo@wgint.com), and is located on all relevant WGI EEO policies and procedures. WGI shall post its toll-free number (800-331-8482) for reporting complaints of discrimination, as well as the aforementioned e-mail address, and WGI's EEO policies and procedures at the punch clock area on each Power Unit construction site no later than three (3) months after the entry of this Decree. Further, WGI shall create and maintain, within three (3) months of the entry of this Decree, a centralized database of all reported complaints of discrimination in the Power Unit that will enable the EEO Officer to monitor the aggregated complaints made nation-wide and project-wide in order to identify repeat offenders, regional concerns, or patterns of discrimination that require prompt remediation. The



centralized database will be supervised by the EEO Officer and maintained by his or her designee. Where a complaint of discrimination is reported to the Power Unit EEO Representative (Vincent Gaudio, at the time of the entry of this Decree) or to an EEO Site Representative (as shall be designated pursuant to paragraph 13 below), immediate notice shall be given to the WGI EEO Officer who will update and review the centralized database within one (1) week.

11. WGI shall create a minimum fifteen (15) minute orientation to WGI's EEO policies and procedures for all non-managerial Power Unit employees – including all new hires. This orientation shall be presented to all new hires within the first two weeks of employment. This orientation, along with any supporting agenda, reading materials or scripts, attached as Exhibit E, has been provided to the EEOC for review and approval prior to implementation.

D. GRAFFITI POLICY

12. WGI has created, as required by this Decree, a policy and procedure for both employees and management for handling discriminatory vandalism and discriminatory graffiti on its Power Unit worksites. Both the employee and the management focused policies are attached to this Decree as Exhibit F. This policy will be distributed as set forth in paragraph 9 above.

E. FORMALIZATION OF EEO FUNCTION IN THE WGI POWER UNIT

13. The Human Resources Director for the WGI Power Unit has been designated as the Power Unit's EEO Representative ("Power Unit EEO Representative"). As set forth in paragraph 10 above, at the time of the execution of this Decree, the Power Unit EEO Representative is Vincent Gaudio. He shall be directly responsible for EEO issues within the Power Unit and shall directly report to WGI's Corporate EEO Officer ("WGI EEO Officer") on

all EEO issues. As set forth in paragraph 10 above, at the time of the execution of this Decree, WGI's EEO Officer is D. Michael McDaniel. The Power Unit's EEO Representative shall be tasked with selecting a Power Unit EEO Site Representative ("EEO Site Representative") for each and every WGI Power Unit construction site. The Power Unit EEO Representative shall be responsible for ensuring that any and all EEO Site Representatives receive proper training, in accordance with the training paragraphs in Section F, below. In the event of a vacancy of any EEO Site Representative, replacement and proper training pursuant to this Decree of EEO Site Representatives shall be of priority to the Power Unit EEO Representative and shall be completed no later than (1) one week from a vacancy. WGI agrees to provide EEOC with notice of the date of selection and training of any replacements made at the end of every quarter. During the time of any vacancy, the Power Unit EEO Representative shall be responsible for the site(s)' EEO matters until a replacement is made pursuant to this paragraph.

14. The Power Unit EEO Representative shall designate and train, as set forth in Section F below, the first EEO Site Representatives no later than three (3) months following the entry of this Decree and will ensure that no WGI Power Unit project is without a designated EEO Site Representative at that time. Where a complaint of discrimination is reported to one of the EEO Site Representatives on a WGI Power Unit work site, immediate notice shall be given to the Power Unit EEO Representative *via* telephone, electronic mail or facsimile. The WGI EEO Officer shall be accessible to the Power Unit EEO Representative and the EEO Site Representatives for guidance, suggestions, leadership, and intervention – where necessary - in the handling of any discrimination complaint for each WGI Power Unit project.

15. WGI has revised its relevant EEO policies and procedures to include the name and contact information of the Power Unit EEO Representative. Once selected, each Power Unit construction site shall immediately also post the name and contact information of the EEO Site Representative on or next to all posted EEO policies and procedures.

16. The EEO Site Representative shall have responsibility for conducting an initial investigation into claims of discrimination by identifying the complainant and his or her contact information, any witnesses to the allegations made and relevant contact information, and the dates of the allegations made. Thereafter, the EEO Site Representative shall turn over his or her notes and have the necessary conversation(s) with the Power Unit EEO Representative regarding the complaint(s) made. Thereafter, the Power Unit EEO Representative shall conduct an investigation pursuant to WGI policy and procedure, and visit the site, if necessary, to complete the investigation, make a final determination, and determine whether remedial action like training, coaching, or additional policies and/or procedures are needed. The Power Unit EEO Representative shall also be responsible for communicating to the complainant the results of the investigation, including any remedial action taken, and for contacting complainant thirty days after the complaint in order to ensure that he/she has suffered no further incidents of discrimination or harassment. The Power Unit EEO Representative shall also have the responsibility to report the same to the WGI EEO Officer within forty-eight (48) hours of the time he becomes aware of the complaint, or if this date falls on a weekend or holiday, then the following workday. The Power Unit EEO Representative shall have the right to require the intervention or support of the WGI EEO Officer in the execution of his or her duties. At all



relevant times, the WGI EEO Officer will update the complaint database, as set forth in paragraph 10 above, with relevant information obtained within no later than one (1) week.

F. TRAINING

17. The EEO Officer and Power Unit EEO Representative shall attend an in-person or web-based training program (or a combination of both) to last at least four (4) hours regarding equal employment opportunity rights and responsibilities under state and federal law, including the issues of workplace race discrimination, harassment, and retaliation. One fourth of the time allocated to this training shall include training on how to effectively train others.

18. This training will include discussion of WGI's anti-discrimination policies and procedures – including the new policies and procedures addressing graffiti in the workplace, and the implementation of the requirements of this Consent Decree. This training program shall also include a diversity and/or cultural sensitivity/competency component that uses role play and hypothetical situations to encourage discussion and engagement. Any non-web based training shall be completed within two (2) months from the date of the entry of this Decree and shall be performed by WGI's counsel in this matter, Jackson Lewis. Any web-based training shall be provided by Mind Leaders. The agenda for this required training, attached as Exhibit G, was provided to the EEOC for review and approval prior to implementation.

19. All Power Unit EEO Site Representatives shall be trained by the EEO Officer and/or the Power Unit's EEO Representative for at least two hours (2) hours through a training session as set forth in paragraphs 17 and 18, and within three (3) months of this Decree. The Power Unit EEO Representative shall not designate or advertise any EEO Site Representative before he or she has been trained pursuant to this Section. All superintendents and assistant

superintendents shall be trained by the WGI EEO Officer or the Power Unit's EEO Representative for at least one (1) hour through a training session as set forth in paragraphs 17 and 18 above, and within three (3) months of this Decree or upon any subsequent hire/designation. Training for superintendents and assistant superintendents shall emphasize the ways in which those with supervisory duties can foster a work environment that is free of discrimination and/or harassment and what the responsibilities are of managers, superintendents, and assistant superintendents when they know of discrimination on site. These employees shall also receive training on their requirement to interact with the Power Unit's EEO Site Representative and/or the Power Unit's EEO Representative on EEO related matters on any and every site. This agenda for this required training, attached as Exhibit H, was provided to the EEOC for review and approval prior to implementation.

20. Non-temporary foremen on all WGI Power Unit construction sites shall also be required to participate in an abbreviated training as set forth above for at least thirty (30) minutes. This training shall be provided by the Power Unit's EEO Representative, by the Power Unit's EEO Site Representative, or his/her designee after being trained by the Power Unit EEO Representative. All non-temporary foremen shall be trained pursuant to this paragraph no later than one (1) week from hire and no later than three (3) months after the entry of this Decree. This agenda for this required training, attached as Exhibit I, was provided to the EEOC for review and approval prior to implementation.

21. A certificate or other proof of course completion by all employees and new hires in the Power Unit of this training shall be provided to the EEOC. The certification or other proof of completion for the initial training to current employees and new employees shall be provided

to the EEOC no later than one (1) year from the entry of this Decree and the certification or other proof of all subsequent training for any new hires shall be provided to the EEOC at the end of each fiscal year observed by WGI.

G. WGI POWER UNIT SUBCONTACTORS

22. The Power Unit's EEO Representative will ensure that all subcontractors are provided with copies of WGI's EEO policies and procedures identifying all WGI representatives to whom workplace discrimination complaints can be made prior to beginning work at any Power Unit construction site. The Power Unit EEO Representative will also instruct all subcontractors to distribute the WGI EEO policies and procedures to their employees working on a WGI Unit Power site at the time of hire or no later than one (1) month after the entry of this Decree, and prospectively within one (1) week for all new hires.

H. MONITORING

23. The EEOC has the right to monitor and review compliance with this Consent Decree. Accordingly, WGI will cooperate with the EEOC in any review function it seeks related to this agreement. Specifically, WGI agrees that the EEOC has the right to: (1) attend training sessions required by this Decree, (2) review any and all documents required by this Decree, (3) interview employees and management (in the presence of WGI counsel) related to the requirements of this Decree, and (4) inspect the premises of WGI Power Unit work sites with five (5) business days prior notice to WGI.

24. Nothing in this Decree shall be construed to preclude the EEOC from enforcing this Decree in the event that WGI fails to perform the promises and representations contained herein.

25. Each Party shall bear its own attorney's fees and costs.

26. This Decree will remain in effect for two (2) years from the entry of this Consent Decree.

27. WGI shall provide notice and a copy of this Decree to any successors, assigns, subsidiaries, affiliates, any other corporation or other entity that acquires WGI, and any other corporation or other entity into which WGI may merge, or with which WGI may consolidate. The successors, assigns, acquiring entities, and any surviving entities upon merger or consolidation shall be fully liable for complying with the terms of the Decree. WGI shall provide written notice to EEOC within forty-five (45) days of any assignment, succession, acquisition, merger, or consolidation affecting WGI.

SO ORDERED, ADJUDGED, AND DECREED.

Signed this 17 day of March, 2008

Marianne B. Bowler USMJ  
The Honorable Marianne B. Bowler  
Federal District Court Magistrate Judge – D. Massachusetts

APPROVED IN FORM AND CONTENT:  
By Plaintiff, EEOC:

**/s/ Elizabeth Grossman\***

Regional Attorney  
EQUAL EMPLOYMENT OPPORTUNITY  
COMMISSION  
New York District Office  
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NY, NY 10004-2112  
Tel: (212) 336-3696  
Fax: (212) 336-3623  
[Elizabeth.Grossman@eeoc.gov](mailto:Elizabeth.Grossman@eeoc.gov)  
\*By RLPB with written authorization

**/s/ R. Liliana Palacios-Baldwin**

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For Plaintiff-Intervenors,  
John Baldwin, Leonard Bell,  
Johannes Kaindoh, and  
Wayne Henderson

**/s/ Todd J. Bennett\***

24 Thorndike Street, Ste. 300  
Cambridge, MA 02141  
Tel: (617) 577-8800  
[tbennett@corbenbel.com](mailto:tbennett@corbenbel.com)  
\*By RLPB with written authorization

For Plaintiff-Intervenors,  
Godwin Enagbare and  
Joe L. Willis

**/s/ Jacques Dessin\***

Dessin Law Office  
236 Huntington Avenue  
Boston, MA 02115  
Tel: (617) 262-4800  
[jdessin@hotmail.com](mailto:jdessin@hotmail.com)  
\*\*By RLPB with written authorization



For Defendant, WGI

**/s/ Stephen T. Paterniti\***

Jackson Lewis LLP

75 Park Plaza

Boston, MA 02116

Tel: (617) 367-0025

parternis@jacksonlewis.com

**\*\*By RLPB with written authorization**

Exhibit A

UNITED STATES DISTRICT COURT  
DISTRICT OF MASSACHUSETTS

EQUAL EMPLOYMENT OPPORTUNITY )  
COMMISSION, )

Plaintiff, )

JOE WILLIS, GODWIN ENAGBARE, )  
JOHN BALDWIN, )  
JOHANNES KAINDOH, )  
WAYNE HENDERSON, AND )  
LEONARD BELL, )

Plaintiff-Intervenors, )

v. )

WASHINGTON GROUP )  
INTERNATIONAL, INC. )

Defendants )

Civil Action No. 04-12097 GAO

RELEASE

In consideration for \_\_\_\_\_ (\$ \_\_\_\_\_) paid to me by  
Washington Group International, Inc. in connection with the resolution of EEOC v. Washington  
Group International, Inc. (04-12097 GAO), I waive my right to recover for any claims of race  
discrimination, harassment, and retaliation arising under Title VII that I had against WGI prior to  
the date of this release and that were included in the claims alleged in EEOC's Complaint against  
WGI.

Date: \_\_\_\_\_

Signature: \_\_\_\_\_

*Exhibit B*  
*Individual Amounts*

John Baldwin - c/o Attorney Todd Bennett	\$156,000
Leonard Bell - c/o Attorney Todd Bennett	\$208,000
Wayne Henderson- c/o Attorney Todd Bennett	\$156,000
Johannes Kaindoh- c/o Attorney Todd Bennett	\$208,000
Joe L. Willis- c/o Attorney Jacques Dessin	\$130,000
Godwin Enagbare- c/o Attorney Jacques Dessin	\$442,000
Jake Porter-	\$14,000
Marshall Holden-	\$24,000
Randolph Joseph-	\$8,000
Donny Smith-	\$16,000
Theodis Quarles-	\$25,500
Lawrence Jackson-	\$25,500
Jermaine Holden -	\$25,000
Rodney Boyd -	\$14,000
Roscoe Gay -	\$16,000
Marshall Thompson -	\$24,000
Herbert McCall -	\$8,000

*Exhibit C - Notice*

NOTICE

1. This NOTICE to employees of WASHINGTON GROUP INTERNATIONAL, INC. is being posted and provided as part of a Consent Decree between WASHINGTON GROUP INTERNATIONAL, INC. and the U.S. EQUAL EMPLOYMENT OPPORTUNITY COMMISSION.
2. Federal law requires that there be no discrimination against any employee or applicant for employment because that person made a complaint of discrimination because of sex, race, national origin, color or religion with respect to hiring, compensation, promotion, discharge, or other terms, conditions or privileges of employment.
3. WASHINGTON GROUP INTERNATIONAL, INC. will comply with such Federal law in all aspects, and it will not take any action against employees because they have exercised their rights under the law by filing charges or cooperated with the U.S. Equal Employment Opportunity Commission or by otherwise opposing employment practices made unlawful under Title VII of the Civil Rights Act of 1964, as amended.
4. The Equal Employment Opportunity Commission maintains offices throughout the United States. Its toll-free telephone number is 1-800-669-4000.
5. This NOTICE will remain posted until TWO (2) *YEARS FROM DATE OF SIGNATURE*.

SIGNED this \_\_\_\_ day of \_\_\_\_\_, 2008.

\_\_\_\_\_  
PRESIDENT

*DO NOT REMOVE THIS NOTICE UNTIL 2 YEARS FROM DATE OF SIGNATURE  
[TO BE RE-ISSUED AND REPLACED IF DESTROYED OR TATTERED]*

Exhibit D

**COMPLAINT PROCEDURE  
Washington Division**

If you have a work-related situation that concerns you or interferes with the accomplishment of your work, discuss it with your immediate supervisor. You are encouraged to discuss the facts fully and frankly to give your supervisor an opportunity to understand the situation and respond to it. Often, complaints or problems are due to misunderstandings and can be corrected by open communication. Most complaints can and should be resolved after a full discussion of the facts with your supervisor.

If, at any time, you desire personal counseling or feel that conditions exist which prohibit discussing a problem situation with your supervisor, you may contact your local EEO Site Representative. Your human resources representatives, at both the local and Division level, are responsible for providing counseling and assistance in these matters. They are available to address equal employment opportunity questions, issues of discrimination or harassment or other concerns you may have.

Employees are encouraged to promptly report any incident of perceived discrimination, harassment or sexual harassment or non-compliance with any other aspect of the Equal Employment Opportunity Policy stated above to D. Michael McDaniel, EEO Officer (1-800-331-8482, 205-995-7177 or [eeo@wgint.com](mailto:eeo@wgint.com)). You may also report the matter to your local EEO Site Representative, \_\_\_\_\_.

The EEO Officer will ensure that a prompt and thorough investigation of all facts necessary to resolve a complaint is conducted, including but not limited to interviews, factual analysis, and any other investigative steps that may be necessary. Management at this location will review the decision of the EEO Officer on the basis of all the facts in the records and any additional facts deemed necessary. The complainant will be advised when the investigation has been concluded and whether remedial measures have been taken. Any employee or applicant aggrieved by a decision may file a written appeal to the Vice President-Human Resources.

The policy prohibits any employee, including supervisory personnel, from retaliation or discrimination against any employee because of their involvement in this procedure.



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D. Michael McDaniel  
EEO Officer  
1-800-331-8482, [eeo@wgint.com](mailto:eeo@wgint.com)

## **ANTI-HARASSMENT POLICY**

The Washington Division is committed to providing a work environment free of harassment and encouraging maximum use of the talents of a culturally diverse workforce. Behavior that is personally offensive could impair morale and interfere with employee effectiveness.

The Division will not tolerate harassment of any individual on the basis of, but not limited to, race, color, creed, religion, national origin, disability, sex, age, marital or veteran status. Examples of possible harassment include: gestures, physical contact, profanity and other offensive printed, visual or verbal communication. Harassment could include any unreasonable workplace behavior found offensive by another individual.

One type of harassment prohibited by this policy is sexual harassment. Sexual harassment is defined as: (1) unwelcome sexual advances, (2) requests for sexual favors, or (3) other verbal or physical conduct of a sexual nature when (a) submission to such conduct is made a term or condition of employment, (b) submission to or rejection of such conduct is used as a basis for employment decisions affecting the employee, (c) such conduct has the effect of unreasonably interfering with an individual's work performance or (d) such conduct creates a hostile or offensive work environment.

The Division views harassment of any kind as a very serious matter. Any employee or supervisor found by the Division, after appropriate investigation, to have harassed another individual will be disciplined or discharged depending upon the circumstances. The Division will not tolerate retaliation against any employee for filing a harassment complaint.

All Division employees are responsible for helping to ensure that we avoid harassment. Any employee or supervisor who believes they have experienced or witnessed harassment should report the alleged act as soon as possible to either their supervisor, the Washington Division EEO Officer (D. Michael McDaniel, 1-800-331-8482, 205-995-7177 or [eeo@wgint.com](mailto:eeo@wgint.com)) or any Vice President of the Division. All information will be kept as confidential as practicable and an investigation of all complaints will be undertaken immediately.

Our goal is that all employees will act responsibly to establish a work environment free of discrimination or harassment of any nature.

You may also direct any questions or concerns to your local EEO Site Representative, \_\_\_\_\_ .

*J. M. McDaniel*

\_\_\_\_\_

Exhibit E

**AGENDA**  
**Employee – Training – 15 Minute**

**Objectives of the Diversity Program**

Understand the benefits and challenges of a diverse workplace.

Understand rights and responsibilities under the law and the Company's policies.

**What does the law require?**

Summation of Federal, state and local laws prohibiting workplace discrimination based upon protected groups.

Harassment prohibited

Retaliation prohibited

**Company Policies**

Review and handouts

**Who can commit unlawful discrimination, harassment or retaliation? Examples**

**Employee Acknowledgment**

Exhibit F**Anti- Graffiti Policy – Manager Responsibility**

Washington Division employs individuals to perform specific tasks as directed by supervision. Graffiti on the worksite, on or off work time, defaces company property, is an unauthorized use of company property and materials, and will not be not tolerated. Further, consistent with Washington Division's commitment to equal employment opportunity, Washington Division has a zero tolerance policy for discriminatory graffiti of any kind. Discriminatory graffiti will not be tolerated and is grounds for discipline up to and including immediate termination. Specific examples of discriminatory graffiti include, but are not limited to, the following:

- Language which could reasonably be considered threatening or demeaning to individuals due to their race, color, gender, national origin, or membership in any other legally protected group;
- Jokes based upon a person's race, color, gender, national origin, or membership in any other legally protected group;
- Caricatures, drawings or cartoons which could reasonably be considered to be offensive based upon race, color, gender, national origin, or membership in any other legally protected group;
- Reference to groups with racist, sexist, or other unlawfully discriminatory messages, such as the Ku Klux Klan, Aryan Nation

All site property will be inspected on a weekly basis for discriminatory graffiti.

Any violations of the zero tolerance policy for discriminatory graffiti policy will be investigated by Site EEO Representative and/or his or her designee and any individual found to be in violation of the policy shall be subject to discipline up to and including immediate termination. Violators of this policy may be subject to criminal prosecution.

Procedure for handling discriminatory graffiti in violation of the policy:

The Site EEO Representative and/or his or her designee shall walk and inspect their respective site premises on a weekly basis for graffiti. This inspection shall include but is not limited to an inspection of port-o-lets, permanent bathrooms, walls, stairwells, trailers, and other exposed surfaces. Any graffiti found in violation of this policy shall be logged in writing and reported to the Division EEO Officer on a weekly basis. Photographs shall be taken of any and all known discriminatory graffiti making direct threats of violence to any individual and shall be



investigated. In the case of graffiti making direct threats of violence, a report shall be made to the authorities such as the local police.

The Site EEO Representative or his or her designee will also be responsible for addressing and remedying any graffiti in violation of this policy within 24 hours of its discovery and for conducting an investigation including interviewing area employees, foremen or other area supervisors for the purpose of identifying the responsible parties.

The investigative results shall be communicated to the Division EEO Officer.

### **Anti-Graffiti Policy**

Washington Division employs individuals to perform specific tasks as directed by supervision. Graffiti on the worksite, on or off company time, defaces company property, is an unauthorized use of company property and materials, and is not tolerated. Further, consistent with Washington Division's commitment to equal employment opportunity, Washington Division has a zero tolerance policy for discriminatory graffiti of any kind. Discriminatory graffiti will not be tolerated and is grounds for discipline up to and including immediate termination.

Specific examples of discriminatory graffiti include, but are not limited to, the following:

- Language which could reasonably be considered threatening or demeaning to individuals due to their race, color, gender, national origin, or membership in any other legally protected group;
- Jokes based upon a person's race, color, gender, national origin, or membership in any other legally protected group;
- Caricatures, drawings or cartoons which could reasonably be considered to be offensive based upon race, color, gender, national origin, or membership in any other legally protected group;
- Reference to groups with racist, sexist, or other unlawfully discriminatory motives, such as the Ku Klux Klan or Aryan Nation

All site property will be inspected on a weekly basis for discriminatory graffiti.

Any violations of the zero tolerance policy for discriminatory graffiti will be investigated and any individual found to be in violation of the policy shall be subject to discipline up to and including immediate termination. Violators of this policy may be subject to criminal prosecution.

Exhibit G

**AGENDA -  
Training for EEO Officer and EEO Power Unit Representative**

- I. EEO Laws – overview**
  - a. Age Discrimination**
  - b. Disability and Handicap Discrimination**
  - c. Gender/Sex and Pregnancy**
  - d. Race and National Origin Discrimination**
  - e. Religious Discrimination**
  - f. Retaliation**
  - g. Harassment**
- II. Company Policies**
- III. Warning Signs of Discrimination – Role play and hypotheticals**
- IV. Evidence of Discrimination**
- V. How to respond to a complaint of harassment**
- VI. Investigation**
- VII. Liability – case studies**
- VIII. Complaints of Discrimination – case studies and role playing**
- IX. Training Others**
- X. Consent Decree Implementation**
- XI. Acknowledgment**

Exhibit H  
**AGENDA**

**Supervisors – Training – 60 Minute**

**Objectives of the Diversity Program**

**What does the law require?**

**Age Discrimination**

**Disability and Handicap Discrimination**

**Gender/Sex and Pregnancy**

**Race and National Origin Discrimination**

**Religious Discrimination**

**Retaliation**

**Harassment**

**Who can commit unlawful harassment?**

**Types of illegal conduct**

**Company Policies – review and handouts**

**Warning Signs of Discrimination**

**Evidence of Discrimination**

**How to respond to a complaint of harassment**

**Investigation**

**Liability – and case study**

**Complaints of Discrimination – and case study**

**Consent Decree**

**Supervisor Acknowledgment**

Exhibit I

**AGENDA**

**Foremen – Training – 30 Minute**

**Objectives of the Diversity Program**

**What does the law require?**

**Age Discrimination**

**Disability and Handicap Discrimination**

**Gender/Sex and Pregnancy**

**Race and National Origin Discrimination**

**Religious Discrimination**

**Retaliation**

**Harassment**

**Who can commit unlawful harassment?**

**Types of illegal conduct**

**Company Policies – review and handouts**

**Warning Signs of Discrimination**

**Evidence of Discrimination**

**How to respond to a complaint of harassment**

**Investigation**

**Liability**

**Complaints of Discrimination**

**Acknowledgment**



